

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

02-*R*-1529

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF ELIZABETH MINNIFIELD IN THE AMOUNT OF \$286.73 AGAINST THE CITY OF ATLANTA AND FOR OTHER PURPOSES

WHEREAS, ELIZABETH MINNIFIELD, has filed a claim against the City of Atlanta seeking damages to her vehicle; and

WHEREAS, the damage to ELIZABETH MINNIFIELD'S vehicle occurred when she drove over a construction site that was left open and in an unsafe condition; and

WHEREAS, the investigation of this claim determined that Creative Pipeline, a subcontractor of United Water Services Atlanta, installed a new fire hydrant at this location prior to Ms. Minnifield's incident; and

WHEREAS, the claim was forwarded to United Water Services Atlanta for payment, however, United Water Services Atlanta has denied Ms. Minnifield's claim and has based the denial on their assertion that they are not responsible for the damages that resulted from the exposed construction site; and

WHEREAS, the claimant has asserted damages in the amount of \$286.73 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of ELIZABETH MINNIFIELD, be settled for the sum of \$286.73.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$286.73 be paid by the City of Atlanta to ELIZABETH MINNIFIELD, in satisfaction of any and all claims she may have stemming from damages sustained to her vehicle on or about October 10, 2001, at Simpson Road, NW & Tazor Street, NW, and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the City Attorney be granted the authority to take all necessary action, up to and including the filing of a lawsuit to pursue recovery for the damages caused by the inactions of United Water Services Atlanta.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

Rosenda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 16, 2002
SEP 24, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0693

Date: June 28, 2002

Claimant /Victim ELIZABETH MINNIFIELD

BY: (Atty) (Ins. Co.)

Address: 190 Arcadia Circle, NW, Atlanta, Georgia 30314

Subrogation: Claim for Property damage:\$ 286.73 Bodily Injury \$

Date of Notice: 10/29/01 Method: Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/10/01 Place: Simpson Road, NW & Tazor Street, NW

Department Division

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained vehicular damage when she drove over a construction site in the roadway that was left open and in an unsafe manner. An investigation determined that Creative Pipeline, a subcontractor of United Water Services Atlanta, installed a new fire hydrant at the location. However, Creative Pipeline and United Water Services have denied liability for the damages.

INVESTIGATION:

Statements: City employee Claimant Others X Written Oral X

Pictures Diagrams Reports: Police Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial

Improper Notice More than Six Months Other Damages reasonable X

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 286.73 Adverse Account charged: 1A01 2P01 2J01 X 2H01

Claims Manager: Concur/date 08/28/02

Committee Action: Council Action

09/16/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA****ITEMS ADVERSED
ON CONSENT AGENDA**

- | | | |
|---------------|---------------|---------------|
| 1. 02-O-1453 | 43. 02-R-1509 | 45. 02-R-1502 |
| 2. 02-O-1586 | 44. 02-R-1510 | 46. 02-R-1503 |
| 3. 02-O-1496 | | 47. 02-R-1504 |
| 4. 02-O-1389 | | 48. 02-R-1505 |
| 5. 02-O-1390 | | 49. 02-R-1506 |
| 6. 02-O-0791 | | 50. 02-R-1511 |
| 7. 02-O-1258 | | 51. 02-R-1512 |
| 8. 02-O-1298 | | 52. 02-R-1513 |
| 9. 02-O-1391 | | 53. 02-R-1514 |
| 10. 02-O-1395 | | 54. 02-R-1515 |
| 11. 02-O-1450 | | 55. 02-R-1516 |
| 12. 02-R-1535 | | 56. 02-R-1517 |
| 13. 02-R-1541 | | 57. 02-R-1518 |
| 14. 02-R-1546 | | 58. 02-R-1519 |
| 15. 02-R-1526 | | 59. 02-R-1520 |
| 16. 02-R-1527 | | 60. 02-R-1521 |
| 17. 02-R-1528 | | 61. 02-R-1522 |
| 18. 02-R-1529 | | 62. 02-R-1523 |
| 19. 02-R-1530 | | 63. 02-R-1524 |
| 20. 02-R-1531 | | 64. 02-R-1525 |
| 21. 02-R-1532 | | |
| 22. 02-R-1560 | | |
| 23. 02-R-1561 | | |
| 24. 02-R-1615 | | |
| 25. 02-R-1563 | | |
| 26. 02-R-1564 | | |
| 27. 02-R-1565 | | |
| 28. 02-R-1566 | | |
| 29. 02-R-1568 | | |
| 30. 02-R-1569 | | |
| 31. 02-R-1570 | | |
| 32. 02-R-1572 | | |
| 33. 02-R-1573 | | |
| 34. 02-R-1574 | | |
| 35. 02-R-1487 | | |
| 36. 02-R-1533 | | |
| 37. 02-R-1557 | | |
| 38. 02-R-1558 | | |
| 39. 02-R-1559 | | |
| 40. 02-R-1616 | | |
| 41. 02-R-1507 | | |
| 42. 02-R-1508 | | |

Consent I Vote: 14Yeas; 0 Nays (See RCS #3984)

Items Removed from Consent: 02-O-1591; 02-O-1592; 02-R-1589; 02-O-1540; 02-R-1542

02-R-1529
(Do Not Write Above This Line)

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ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING
THE SETTLEMENT OF THE
CLAIM OF ELIZABETH
MINNIFIELD IN THE AMOUNT
OF \$286.73 AGAINST THE CITY
OF ATLANTA

By: Rosalind R. Newell
Rosalind Rubens Newell
Deputy City Attorney

ADOPTED BY

SEP 16 2002

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To: S

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

PSLA

Date

9/10/02

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Elizabeth Minnifield
C. T. Mark
Hal
Rosalind Newell

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

SEP 16 2002

CERTIFIED
SEP 16 2002

MAYOR'S ACTION

Shirley Franklin
SEP 24 2002
MAYOR